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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,715	04/06/2001	Christine W. Jarvis	CXU-350	5602
22827	7590	10/31/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449				RHEE, JANE J
ART UNIT		PAPER NUMBER		
		1745		

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/828,715	JARVIS ET AL.	
	Examiner	Art Unit	
	Jane Rhee	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 10 August 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 41-74 and 77-99 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 41-74,77-99 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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**DETAILED ACTION**

***Rejections Repeated***

1. The 35 U.S.C. 102 (b) rejection of claims 41-42,44,46-47,50-51,53,57 anticipated by Gaylord Jr. et al. has been repeated for the reasons previously made in office action 2/8/2005.
2. The 35 U.S.C. 102(b) rejection of claims 63-64,70-71 anticipated by Gaylord Jr. et al. has been repeated for the reasons previously made in office action 2/8/2005.
3. The 35 U.S.C. 103(a) rejection of claims 43,48-49,56,58-61,77,79-87,83,86,88-93,96,98-99 over Gaylord Jr et al. in view of Obayashi et al., Efunda, Encyclopedia of Petroleum, and Lumicor has been repeated for the reasons previously made in office action 2/8/2005.
4. The 35 U.S.C. 103(a) rejection of claims 67-69,72-74,91-93,96,98-99 over Gaylord Jr et al. in view of Obayashi et al., Efunda, Encyclopedia of Petroleum, and Lumicor has been repeated for the reasons previously made in office action 2/8/2005.
5. The 35 U.S.C. 103(a) rejection of claims 45,55,62,78,85 over Gaylord Jr. et al. in view of Benstock et al. has been repeated for reasons previously made in office action 2/8/2005.
6. The 35 U.S.C. 103(a) rejection of claims 65,95 over Gaylord Jr. et al. in view of Benstock et al. has been repeated for the reasons previously made in office action 2/8/2005.

7. The 35 U.S.C. 103(a) rejection of claims 52,82 over Gaylord Jr et al. in view of Arakawa et al. has been repeated for the reasons previously made in office action 2/8/2005.
8. The 35 U.S.C. 103(a) rejection of claims 54,84 over Gaylord et al. in view of Gaylord Jr. in view of Wilhoit et al. has been repeated for the reasons previously made in office action 2/8/2005.
9. The 35 U.S.C. 103(a) rejection of claim 66,94 over Gaylord et al. in view of Wilhoit et al. has been repeated for the reasons previously made in office action 2/8/2005.
10. The 35 U.S.C. 103(a) rejection of claim 87 over Gaylord Jr et al. in view of Obayashi et al., Efunda, Encyclopedia of Petroleum, and Luminor has been repeated for the reasons previously made in office action 2/8/2005.
11. The 35 U.S.C. 103(a) rejection of claim 97 over Gaylord Jr et al. in view of Obayashi et al., Efunda, Encyclopedia of Petroleum, and Luminor has been repeated for the reasons previously made in office action 2/8/2005.

***Response to Arguments***

12. Applicant's arguments filed 8/10/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the only second material Obayashi et al. discloses is an adhesive coating that may be an acrylic resin, an epoxy resin, or a petroleum resin, is not really part of the bonding tape and actually takes away from the welding effect of the bonding tape, the second material disclosed by Obayashi et al. is

part of the bonding tape, since it is an additional layer, and since the applicant claimed that a portion of the bonding tape includes a first and second thermoplastic material and furthermore, the term "portion" is not limited to a single layer but a part of or piece of the tape. As to the adhesive taking away from the welding effect, Obayashi et al. discloses that the adhesive *sometimes may* decrease the welding effect of the bonding tape however, does not maintain that it definitely takes away from the welding effect.

In response to applicant's argument that Gaylord Jr. does not disclose the use of a continuous thermoplastic tape that is capable of forming both an adhesive bond and a physical bond with a substrate, similarly Gaylord Jr. does not teach the presence of both adhesive bonding and physical bonding in a seam that joints two substrates using a continuous thermoplastic tape, Gaylord Jr. does disclose the presence of both adhesive bonding and physical bonding in a seam that joins two substrate using a continuous thermoplastic tape (col. 4 lines 39-41). Applicant defines adhesive bonding as bonding that results from attractive forces between two or more materials and physical bonding as physical intermingling of portions of the thermoplastic tape within the interstices of a substrate as a result of portions of the tape becoming relatively melt-flowable upon heating. Gaylord Jr. teaches that the segments are heated and pressed together to fuse the plastic layers together and thereby join the fabric panels (col. 4 lines 21-24). Therefore, the bonding of the plastic layers resulted from attractive forces as defined in adhesive bonding since the two plastic layers are adhered to each other. Furthermore, physical bonding occurred as defined by the applicant, wherein physical intermingling of portions of the thermoplastic tape within the interstices of a substrate as a result of

portions of the tape becoming relatively melt-flowable upon heating. Hence Gaylord Jr discloses both adhesive bonding and physical bonding of the two plastic layers.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee  
October 21, 2005



PATRICK JOSEPH RYAN  
SUPERVISORY PATENT EXAMINER